

AFFIDAVIT OF JOHN FAWCETT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC)
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This document relates to:

Ashton v. Al Qaeda Islamic Army, 02-CV-6977 (RCC)

Continental Cas. Co. v. Al Qaeda, 04-CV-5970 (RCC)

Federal Ins. v. Al Qaida, 03-CV-6978 (RCC)

New York Marine & General Ins. Co. v. Al Qaida, 04-CV-6105 (RCC)

**AFFIDAVIT OF JOHN FAWCETT IN SUPPORT OF PLAINTIFFS' CONSOLIDATED
OPPOSITION TO THE MOTION TO DISMISS OF BAKR BIN LADIN, OMAR BIN
LADIN, TARIQ BIN LADIN, MOHAMMAD BIN LADIN COMPANY, AND BIN LADIN
GROUP INTERNATIONAL COMPANY LTD.**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JOHN FAWCETT, being duly sworn, deposes and says:

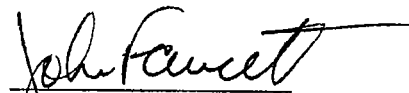
1. For over three years, I have been working under contract for Kreindler & Kreindler LLP as a researcher in the case of *Kathleen Ashton v. al Qaeda Islamic Army et al.*
2. As part of my duties, I have been asked to research Youssef Nada, Bank al Taqwa and the investments of the Bin Laden brothers with Bank al Taqwa..
3. According to an official of the US Department of the Treasury, Youssef Nada and other associates of Bank al Taqwa have been "providing indirect investment services for Al Qa'ida, investing funds for bin Laden, and making cash deliveries on request to the Al Qa'ida organization." (See Document # 1, Letter from U.S. Treasury Department to Switzerland. This document was previously entered into the 03 MDL 1570 record as Exhibit 6 of the Declaration of

Jodie Flowers supporting the Plaintiffs Memorandum of Law in Support of their *Prima Facie* Showing of Personal Jurisdiction And in Opposition to Defendants' Challenges to Personal Jurisdiction of May 14, 2004.)

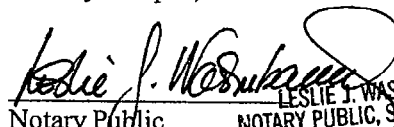
4. According to documents filed with the Supreme Court of the Commonwealth of the Bahamas, In the Matter of Bank al Taqwa Limited, Ghaleb Bin Laden invested in Bank al Taqwa in November of 1993. Bakr Bin Laden was an authorized signatory for this account. The latest date, of which I am aware, that the Bin Laden brothers' investment remained in Bank al Taqwa is March 29, 2000. (See Document #2 Bank al Taqwa documents.)

Dated: New York, New York
April 18, 2006

Respectfully submitted,


John Fawcett

Sworn to before me this
18th day of April, 2006


Notary Public
LESLIE J. WASSERBAUER
NOTARY PUBLIC, State of New York
No. 30-4860403
Qualified in Nassau County
Commission Expires June 9, 2010

DOCUMENT # 1

Letter from U.S. Treasury Dept to Switzerland



GENERAL COUNSEL

DEPARTMENT OF THE TREASURY
WASHINGTON

January 4, 2002

M. Claude Nicati
Substitut du Procureur General
Taubenstrasse 16
3003 Berne
SWITZERLAND

BY TELECOPIER
011-41-31-322-4507

Re: Al Taqwa/Nada Management Organization

Dear Mr. Nicati:

This letter is provided to you pursuant to your request under the mutual legal assistance treaty between the United States and Switzerland in connection with the action taken by the Government of Switzerland to block assets of Youssef (also spelled "Yusuf") M. Nada and Nada Management Organization. Although some of the information concerning Nada comes from sensitive sources that we cannot disclose, we have agreed to provide you with an unclassified summary of certain information concerning Nada. We believe that this information is generally reliable and, taken as a whole, supports the decision to block the assets of Nada and Nada Management Organization. This summary may be disclosed publicly in legal proceedings.

Based upon information available to the United States Government, we have a reasonable basis to believe that Nada and his affiliated companies have a history of financing and facilitating the activities of terrorists and terrorist-related organizations.

Bank Al Taqwa (occasionally misspelled as "Taqua" in some press reports) was established in 1988 with significant backing from the Egyptian Muslim Brotherhood,¹ and it has long been thought to be involved in financing radical groups like the Palestinian HAMAS, Algeria's Islamic Salvation Front and Armed Islamic Group, and Tunisia's An-Nahda. Bank Al Taqwa was founded in the Bahamas and is a close affiliate

¹ Although the Muslim Brotherhood has not been designated by the United States Government, the organization is outlawed in Egypt and authorities there have long argued, according to press reports, that it is a front for terrorists. The Islamic Jihad is a splinter of the Muslim Brotherhood and, with the Gema'a al-Islamiya, were responsible for the assassination of Anwar Sadat, according to press accounts.

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January 4, 2002
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of Al Taqwa Management Organization. The organization changed its name to Nada Management Organization in the spring of 2000.

In 1997, it was reported that the \$60 million collected annually for HAMAS from all parts of the world were moved to accounts with Al Taqwa. As shown below, this close association with the financing of terrorists has continued unchecked.

The Malta and Lugano, Switzerland branch offices of the Al Taqwa Management Organization receive money that "pours in" from Kuwait and the United Arab Emirates for Usama bin Laden. Jordan has accused Bank Al Taqwa in the Bahamas of having financed a network linked to bin Laden and of plotting terror attacks against Western and tourist targets during the millennium celebrations.

As of late September 2001, bin Laden and his Al Qa'ida organization received financial assistance from Youssef M. Nada and Ali bin Mussalim. Nada has a controlling interest in, and is chairman of, Bank Al Taqwa, and Mussalim is involved in Bank Al Taqwa operations. Since the 1980s, following the pullout of the Soviet army from Afghanistan, Mussalim, assisted by Nada, has been providing indirect investment services for Al Qa'ida, investing funds for bin Laden, and making cash deliveries on request to the Al Qa'ida organization.

As of October 2000, Bank Al Taqwa appeared to be providing a clandestine line of credit for a close associate of Usama bin Laden. This bin Laden lieutenant had a line of credit with a Middle East financial institution that drew on an identical account number at Bank Al Taqwa. Unlike other accounts – even accounts of private banking customers – this account was blocked by the computer system and special privileges were required to access it. No identifiable names were associated with the account. These circumstances are highly unusual, and may have been done to conceal the association of the bin Laden organization with Bank Al Taqwa.

Youssef Nada confirmed in an interview with the Al-Jazeera television station that he is a member of the Muslim Brotherhood. He denied that he had ever met or had contact with Usama bin Laden, although Nada acknowledged that members of the bin Laden family, other than Usama bin Laden, had invested in the bank. Press accounts, however, have linked Nada with Usama bin Laden. Nada also acknowledged having personal ties with Saddam Hussein. According to Syrian political analyst Sami Moubayed, Nada was implicated in a failed assassination attempt on the late Egyptian president Gamal Abdul Nasser in 1954. Nada fled Egypt and has been a fugitive from that country for many decades.

One of the Al Taqwa board members, Ahmed Huber, confirmed that he had met with members of bin Laden's organization in Beirut. Huber has defended the bombing of the World Trade Center buildings and the Pentagon. He is well known for his extreme anti-Israel views. In 1989, he supported the "fatwa" calling for the death of author Salman Rushdie.

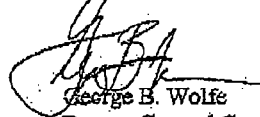
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Bank Al Taqwa and a founder and director, Ahmed Idris Nasreddin, have been supporters of an Islamic center in Milan, Italy which may be Al Qa'ida's most important base in Europe. The ICI and its members have been linked to several terrorist plots, including the 1993 World Trade Center bombing and a failed scheme to bomb the U.S. embassy in Rome.

An investigation of the ICI following the arrest in Italy of Egyptian and Jordanian extremists, revealed that these individuals carried out their work at the ICI. In addition, the investigation uncovered links between the ICI and organizations controlled by Nasreddin in the Bahamas. Some ICI members were directly in contact with Bank Al Taqwa.

As noted previously, this is a summary of information concerning Nada and his companies that we can release at this time. If we are able to release additional information in the future we will notify you.

Sincerely,



George B. Wolfe
Deputy General Counsel

DOCUMENT #2

Bank al Taqwa documents

016

015

U. 80326

أ. غاليب

30 NOV. 1993

أ. غاليب

Date: 13.11.1993
OUR REF. FR111/11

To,
ALTAQWA MANAGEMENT ORGANIZATION S.A
VIALE STEFANO FRANSICINI 22
CH 6900 LUGANO,
SWITZERLAND.

ATTN : MR. ALI GHALIB HAMMAT

RE : ACCOUNT OPENING FORM - GHALIB M. BINLADIN.

Dear Mr. Hammat,

Please find attached herewith an account opening form duly signed by Sh. Ghalib M. Binladin for opening Mudaraba account with BANK ALTAQWA LTD. Bahamas, for USD.1,000,000.00 (US.DOLLARS ONE MILLION ONLY).

The undersigned will have a limited power of attorney to manage the account with you.

Furthermore our bankers is asking for your account particulars with Bank Paribas Suisse specially account number to transfer the funds. Please advise us full details by return fax at our folloing address:-

POST BOX 15468
JEDDAH 21444,
SAUDI ARABIA.

TEL/FAX : 00 966 2 699 0015
00 966 2 699 0032

CONTACT PERSON : FAYEZ F. RABAA

Thanking you, we look forward hearing from you very soon.

Yours faithfully,

FAYEZ F. RABAA

Encl :

U. 80326

12 00 20:42 003

Translation of the filled form in Arabic.

(A)

To Messrs Al Taqwa Management Organization.
Viale Stefano Franscini 22, CH 6900 Lugano/Switzerland • Tel: 091 231066 • Fax: 091 237967 • Telex: 844 197 TMO CH

Please be upon you

Since your organization is performing among its activities, verification and auditing the accounts of Bank Al Taqwa Ltd., Bahamas, such verification and auditing needs information regarding the relationship between the bank and its clients as well as remittances, withdrawals, mudaraba, and shares... etc.

We herewith inform you that we signed today the below mentioned application form on which you can rely for your performance. We also confirm our knowledge and acceptance of the fact that the banking relationship as well as the financial responsibilities, soliciting funds as well as responding to it is between us and Bank Al Taqwa LTD., Bahamas and not between us and you and this is to ensure your conformity to the Swiss law requirements.

Information Extracted From Application Form

NOTE: Please write in CAPITAL LETTERS and as it is written on your passport or I.D. card, sign it and send it together with a copy of the transferring Bank's receipts.

Name: Ghaleb Muhammad Bin Ladin Family: BINLADIN
Date of Birth: 19/4/1950 Place of Birth: Mecca AL Madinah Nationality: Saudi
Current address: Jeddah 21444 P.O. Box 15466 S. Arabia, Fayed Rabaa
Residence Phone: Office Phone: Telex/Fax:
Permanent address: Office Phone: Telex/Fax:
Residence Phone: 699058 Office Phone: 6990515 Telex/Fax: 990214
Occupation:

I, the above mentioned, transferred by telex dated 1/19 through Bank: an amount of US Dollars. Amounts must be received in full. Transfer fees should be paid by transferor separately. The transfer was quoted with the following text:
TO THE ACCOUNT OF BANK AL TAQWA, Ltd.-Bahamas with:

N.B. Fill your choice from the below mentioned cases and strike out the others.

Reason of the transfer:

- 1) The full value of Preference Shares of BANK AL TAQWA, LTD.-Bahamas
- 2) The full value of Preference Redeemable Shares of BANK AL TAQWA, LTD.-Bahamas.
- 3) Value of One third of Preference Shares of BANK AL TAQWA, LTD.-Bahamas.

And I commit myself to remit the remaining two thirds at the dates fixed by the bank.

4) For opening Mudaraba account with BANK AL TAQWA, LTD.-Bahamas.

Authorizations:

- 1) I neither authorized nor joined any one in the account.
- 2) The account is joint between me and equally, born on 19 in (country) in and it is the right of any of us to use the account and its funds individually as if he is sole owner without any responsibility to Bank Al Taqwa Ltd.-Bahamas. Signature of the Joint Person
- 3) I authorize Brother, Baber Muhammad BINLADIN born in (country) Nessa on 10/15/1948, to sign orders for all what concerns this account including remittances, withdrawals, etc. without any responsibility to BANK AL TAQWA, Ltd.-Bahamas. Signature of authorized person: Signature of Baber BINLADIN

* Drafts and cheques

Normally bank drafts as well as personal cheques indicating: (pay to order BANK AL TAQWA, Ltd.-Bahamas) are acceptable, and should be mailed registered with the signed forms but in this case 10 US-Dollars collection fee must be added. Acceptance of drafts and cheques is subject to their collection. If this is your case please indicate the draft or cheque number date 1/19 drawn on Bank: City:

* I read the Bank's Articles of Association as well as the general information and its Mudaraba conditions, mentioned on the back side, and I herewith confirm my acceptance to them.

Date: Ghaleb BINLADIN Signature

This form was endorsed at 1/1993 and it invalidates all previous forms.

* Limited owner of Attorney to Manage the account to Mr. Fayed Rabaa. (Signature)

M.P.



AL TAQWA MANAGEMENT ORGANIZATION

Service Company incorporated according to Swiss Law
Viale S. Francini 22, CH 6900 Lugano, SWITZERLAND
Phone: 091/9231066 - Telex 844197 TMO CH - Fax: 091/9237967

"GMB 5 C"



AUDIT VERIFICATION OF

MUDARABA ACCOUNT WITH BANK AL TAQWA Ltd. BAHAMAS

Bank Al Taqwa Ltd. Bahamas

مراجعة حساب مضاربة مع

Performed according to the assignment of:

المراجعة والتدقيق تحت بناء على تكليف من:

based on information provided by them and under their responsibility.

واعتماداً على المعلومات المقدمة منهم وتحت مسؤوليتهم.

Name: BINLADIN, GHALEB MOHAMMAD
AUTHORIZING : ENG. BAKR M. BINLADIN

A/C #: MUD/20326

Address: MR. FAYEZ RABAA - P.O. BOX 15468

Date: 10/04/97

City: JEDDAH 21444

Country: SAUDI ARABIA

Page:

1

DATE التاريخ	DESCRIPTION البيان	DEBITS مدین U.S.\$	CREDITS دالین U.S.\$	BALANCE الرصيد U.S.\$
31/12/95	BALANCE BROUGHT FORWARD			1,086,879.45(C)
01/01/96	PROFIT 1995 SHIFTED TO MUDARABA		81,515.96	1,168,395.41(C)
01/06/96	SHIFTED FROM CURRENT ACCOUNT TO MUDARABA		1,000,000.00	2,168,395.41(C)
31/12/96	CLOSING BALANCE 1996			2,168,395.41(C)
01/01/97	PROFIT 1996 SHIFTED TO MUDARABA		135,111.65	2,303,507.06(C)

The dates shown above are the Mudaraba starting dates and not the dates of receipt of the funds transferred. This was according to the Mudaraba conditions accepted by you.

التواريخ المذكورة أعلاه هي تواريخ بداية المضاربات وليست تواريخ إستلام المبالغ. وهي توافق ما جاء في شروط المضاربة التي وافقتم عليها.

Please examine the above details and sign and date the copy and mail it to us in the enclosed envelope.

الرجاء فحص الكشف أعلاه والتوقيع على الصورة المرفقة وإعادتها إلينا بالبريد في الطرف المرفق.

If your payments were made by check, please note that such amounts are valid only subject to their collection by Bank Al Taqwa Ltd. Bahamas

المبالغ التي تدفع بواسطة شيكات يجب ومشرطه بحصيلها.

Verified by:





AL TAQWA MANAGEMENT ORGANIZATION

Service Company incorporated according to the Swiss Law
Viale S. Franscini 22, P.O. Box 2072, CH 6901 Lugano, SWITZERLAND
Phone: 091/9231056 • Fax: 091/9237967



AUDIT VERIFICATION OF

MUDARABA ACCOUNT WITH

BANK AL TAQWA Ltd. BAHAMAS

Performed according to the assignment of:

Bank Al Taqwa Ltd. Bahamas

based on information provided by them and under their responsibility.

مراجعة حساب مضاربة مع

المراجعة. والدقيق تم بناء على تكليف من:

واعتاداً على المعلومات المقدمة منهم وتحت مسؤوليتهم.

Name: BINLADIN, GHALEB MOHAMMAD
AUTHORIZING: ENG. BAKR M. BINLADIN

A/C #: MUD/20326

Address:

Date: 30/06/1999

City:

Country:

Page: 1

THIS AUDIT VERIFICATION CONSIDERS ALL MOVEMENTS UP TO 30/06/1999

DATE التاريخ	DESCRIPTION البيان	DEBITS مدین U.S.\$	CREDITS دائن U.S.\$	BALANCE الرصيد U.S.\$
31/12/1997	BALANCE BROUGHT FORWARD			2,305,507.05(C)
01/01/1998	1997 PROFIT DECLARED ON 01/05/1998 SHOWN TO MUDARABA		170,759.52	2,473,966.58(C)
31/12/1998	CLOSING BALANCE 1998			2,473,966.58(C)
30/04/1999	1998 LOSS OCCURRED TO MUDARABA DEBITED TO MUDARABA ACCOUNT	610,327.56		1,863,639.02(C)
<p>→ this date after auditing 31/12/98 accounts it could not be debited before ending the auditing.</p>				

- The dates shown above are the Mudaraba starting dates and not the dates of receipt of the funds transferred. This was according to the Mudaraba conditions accepted by you.

تواريخ المذكورة أعلاه هي تواريخ بداية المضاربات وليست تواريخ إتمام المبالغ. وهي توافق ما جاء في شروط المضاربة التي وافقتم عليها.

If your payments were made by check, please note that such amounts are valid only subject to their collection by Bank Al Taqwa Ltd. Bahamas

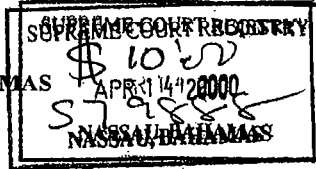
المبالغ التي تدفع بواسطة شيكات يجب ومطلوبة بحصولها.

Sent on: 30 06 99

رسلت بتاريخ 99 06 30

M.S.

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT



1999

No. 1216

Equity Side

IN THE MATTER OF BANK AL TAQWA LIMITED

AND

IN THE MATTER OF THE COMPANIES ACT, 1992

O R D E R

BEFORE MR. ACTING JUSTICE DAVID HAYTON

The 29th day of March, A. D. 2000

UPON THE PETITION of Ghaleb Mohammad Binladin of Saudi Binladin Group, Prince Abdullah Street, Al-Rawda Dist., Post Box 15468, Jeddah 21444, Saudi Arabia who claimed to be a creditor of the above named company on 21st October, A. D. 1999 preferred unto this Court;

AND UPON HEARING Colin Callender, Esq. of Callenders & Co. of counsel for the petitioner Ghaleb Mohammad Binladin AND Hon. Arthur D. Hanna of Arthur D. Hanna & Co. of counsel for Bank Al Taqwa Limited ("the Company");

AND UPON READING the affidavits of the petitioner dated the 3rd day of November, A. D. 1999 and the 5th day of March, A. D. 2000 and the affidavit of Ali Ghaleb Himmat dated the 10th day of January, A. D. 2000;

THIS COURT DOTH ORDER that the said petition do stand dismissed out of this Court;

AND IT IS FURTHER ORDERED that the petitioner the said Ghaleb Mohammad Binladin do pay to the said Bank Al Taqwa Limited its costs of and occasioned by that action such costs to be taxed if not agreed.

BY ORDER OF THE COURT

REGISTRAR